

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WISCONSIN  
MILWAUKEE DIVISION**

DENNIS LEWIS, MARK SELVAGGIO,  
MARY SELVAGGIO, ANTHONY  
SELVAGGIO, GARY NEVINS, MICHELE  
NEVINS, JAMES R. SCHUETT, HARRY  
ALTON, DORIS ALTON, BERNIE MYLER,  
LINDA MYLER, JAMES HAUSMAN, and  
STEVEN E. MORGAN

*On behalf of themselves and all others  
similarly situated,*

Plaintiffs

v.

JOHN MICHAEL STRAKA, DONALD  
STRAKA, STEVEN KLITZING, DONALD  
M. TRILLING, DEAN M. KATSAROS, W.  
SCOTT BLAKE, HOWARD E.  
ZIMMERMAN, NORMAN E. BAKER, JOSE  
ARAUJO and CIB MARINE BANCSHARES,  
INC.,

Defendants.

Case No. 05-cv-1008 (LA)

Judge Lynn Adelman

**JOINT MOTION FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT**

Pursuant to Rule 23(e) of the Federal Rules of Civil Procedure and in accordance with the Court's prior order of preliminary approval, Lead Plaintiff Dennis Lewis and plaintiffs Mark Selvaggio, Mary Selvaggio, Anthony Selvaggio, Gary Nevins, Michelle Nevins, James R. Schuett, Doris Alton, Bernie Myler, Linda Myler, James Hausman, and Steven E. Morgan (collectively "Plaintiffs") and CIB Marine Bancshares, Inc. ("CIB"), J. Michael Straka, Donald Straka, Steven Klitzing, Donald M. Trilling, Dean M. Katsaros, W. Scott Blake, Howard E. Zimmerman, Norman E. Baker, and the Estate of Jose Araujo (collectively "Defendants") move

for final approval of the class action settlement reached in this matter . In support of this motion, the parties state as follows:

1. On September 30, 2008, this Court entered an order preliminarily approving a settlement of this securities class action that had been reached by the parties following a settlement conference held before this Court (the “Preliminary Approval Order”). (Doc. 277) The Preliminary Approval Order directed that notice be mailed to all identifiable members of the preliminarily-certified Settlement Class by October 3, 2008, and provided that Settlement Class members would have until November 14, 2008 to submit any objections to the settlement or to seek to exclude themselves from the Settlement Class.

2. As is set forth in Plaintiffs’ Memorandum In Support of Final Approval of Class Action Settlement and its supporting affidavits, the notice required by the Preliminary Approval Order has been provided, including mailed notice to over 1,200 potential members of the Settlement Class. The response has been overwhelmingly favorable. A total of five requests for exclusion have been received – only one of which comes from a member of the Settlement Class. Only one objection has been filed and, as is set forth in the Response to Objection filed herewith by CIB with the consent of all parties, the parties do not object to the modification of the previously-submitted Proposed Order Approving Class Settlement and Final Judgment requested by the objector.

3. The parties are in agreement that the settlement and Plan of Allocation should be approved as fair, reasonable, and adequate and that the Settlement Class should be finally certified for purposes of effectuating the settlement of this action.

WHEREFORE, the parties jointly request that this Court finally approve the class action settlement and Plan of Allocation preliminarily approved by the Court, finally certify the Settlement Class previously certified on a preliminary basis for settlement purposes, and enter the Amended Proposed Order Approving Class Settlement and Final Judgment as submitted by defendants.

Dated: November 21, 2008

Respectfully submitted,

s/ Daniel J. Pope

**Daniel J. Pope**

Phebus & Koester

136 W Main St

Urbana, IL 61801

Lead Counsel and

Counsel for Plaintiffs Dennis Lewis, Mark

Selvaggio, Mary Selvaggio, Anthony

Selvaggio, Gary Nevins, Michelle Nevins,

James R. Schuett, Doris Alton, Bernie Myler,

Linda Myler, James Hausman, and Steven E.

Morgan

s/ John C. Martin

**Allan Horwich**

**Heidi Dalenberg**

**John C. Martin**

Schiff Hardin LLP

6600 Sears Tower

233 South Wacker Dr.

Chicago, IL 60606

Counsel for Defendant

CIB Marine Bancshares, Inc.

s/ Richard T. Greenberg

**Richard T. Greenberg**

**Angelo M. Russo**

McGuireWoods LLP

77 W Wacker Dr - Ste 4100

Chicago, IL 60601-1815

Counsel for Defendant Donald Straka

s/ Cristina D. Hernandez-Malaby

**Cristina D. Hernandez-Malaby**

**W. Stuart Parsons**

**Natalie G. Maciolek**

Quarles & Brady LLP

411 E Wisconsin Ave - Ste 2040

Milwaukee, WI 53202-4497

Counsel for Defendants Donald M. Trilling,

W. Scott Blake, Howard E. Zimmerman, Norman

E. Baker and for the Estate of Jose Araujo

s/ David W. Goewey

**David W. Goewey**

**Mara B. Zusman**

Venable LLP

Terrell Place

575 7th St NW

Washington, DC 20004-1601

Counsel for Defendant John Michael Straka

s/ Bennett W. Lasko

**Bennett W. Lasko**

**Justin O. Kay**

Drinker Biddle & Reath LLP

191 N Wacker Dr - Ste 3700

Chicago, IL 60606-1698

Counsel for Defendant Dean M. Katsaros

s/ Howard A. Pollack

**Howard A. Pollack**

**John L. Kirtley**

Godfrey & Kahn SC

780 N Water St

Milwaukee, WI 53202-3590

Counsel for Defendant Steven Klitzing

**N THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WISCONSIN  
MILWAUKEE DIVISION**

DENNIS LEWIS et al

*On behalf of themselves and all others  
similarly situated,*

Plaintiffs

v.

JOHN MICHAEL STRAKA et al.

Defendants.

Case No. 05-cv-1008 (LA)

Judge Lynn Adelman

**CERTIFICATE OF SERVICE**

I hereby certify that on the 21st day of November, 2008, the undersigned counsel caused to be electronically filed the attached Joint Motion for Final Approval of Class Action Settlement with the Clerk of Court using the CM/ECF system which will send notification of such to all persons on the attached service list.

/s John C. Martin

John C. Martin

***Attorney for Defendant CIB  
Marine Bancshares, Inc.***

SCHIFF HARDIN LLP

6600 Sears Tower, 233 South  
Wacker Drive

Chicago, IL 60606-6473

Phone: (312) 258-5500

Fax: (312) 258-5600

E-mail:

[jmartin@schiffhardin.com](mailto:jmartin@schiffhardin.com)

## SERVICE LIST

**Joseph W. Phebus**

**Daniel J. Pope**

Phebus & Koester

136 W Main St

Urbana, IL 61801

Email: [jwphebus@phebuslaw.com](mailto:jwphebus@phebuslaw.com)  
[dpope@phebuslaw.com](mailto:dpope@phebuslaw.com)

**James W. Gardner**

**Peggy A. Lautenschlager**

**Douglas J. Phebus**

Lawton & Cates SC

10 E Doty St - Ste 400

PO Box 2965

Madison, WI 53701-2965

Email: [jgardner@lawtoncates.com](mailto:jgardner@lawtoncates.com)  
[plautenschlager@lawtoncates.com](mailto:plautenschlager@lawtoncates.com)  
[dphebus@lawtoncates.com](mailto:dphebus@lawtoncates.com)

**Thomas Leiter**

**Samuel B. Zabek**

The Leiter Group

309A Main St

Peoria, IL 61602

Email: [tleiter@leitergroup.com](mailto:tleiter@leitergroup.com)  
[szabek@leitergroup.com](mailto:szabek@leitergroup.com)

**Kristi L. Browne**

The Patterson Law Firm

33 N LaSalle St

Chicago, IL 60602

Email: [kbrowne@pattersonlawfirm.com](mailto:kbrowne@pattersonlawfirm.com)

**Howard A. Pollack**

**John L. Kirtley**

Godfrey & Kahn SC

780 N Water St

Milwaukee, WI 53202-3590

Email: [hpollack@gklaw.com](mailto:hpollack@gklaw.com)  
[jkirtley@gklaw.com](mailto:jkirtley@gklaw.com)

**Richard T. Greenberg**

**Angelo M. Russo**

McGuireWoods LLP

77 W Wacker Dr - Ste 4100

Chicago, IL 60601-1815

Email: [rgreenberg@mcguirewood.com](mailto:rgreenberg@mcguirewood.com)  
[arusso@mcguirewoods.com](mailto:arusso@mcguirewoods.com)

**W. Stuart Parsons**

**Cristina D. Hernandez-Malaby**

**Natalie G. Maciolek**

Quarles & Brady LLP

411 E Wisconsin Ave - Ste 2040

Milwaukee, WI 53202-4497

Email: [wsp@quarles.com](mailto:wsp@quarles.com)  
[chernand@quarles.com](mailto:chernand@quarles.com)  
[natalie.maciolek@quarles.com](mailto:natalie.maciolek@quarles.com)

**David W. Goewey**

**Mara B. Zusman**

Venable LLP

Terrell Place

575 7th St NW

Washington, DC 20004-1601

Email: [dwgoewey@venable.com](mailto:dwgoewey@venable.com)  
[mbzusman@venable.com](mailto:mbzusman@venable.com)

**Bennett W. Lasko**

**Justin O. Kay**

Drinker Biddle & Reath LLP

191 N Wacker Dr - Ste 3700

Chicago, IL 60606-1698

312-569-1174

Fax: 312-569-3174

Email: [Bennett.lasko@dbr.com](mailto:Bennett.lasko@dbr.com)  
[Justin.kay@dbr.com](mailto:Justin.kay@dbr.com)

**Pamela G. Smith**

**Theresa L. Davis**

Katten Muchin Rosenman LLP

525 West Monroe Street, Suite 1900

Chicago, IL 60661-3693

(312) 902-5200

(312) 902-1061

Email: [Pamela.smith@kattenlaw.com](mailto:Pamela.smith@kattenlaw.com)  
[Theresa.davis@kattenlaw.com](mailto:Theresa.davis@kattenlaw.com)